

EXHIBIT A

EXHIBIT A

Don Bennion

From: Don Bennion
Sent: Sunday, November 17, 2024 9:39 PM
To: patrick.harvey@huschblackwell.com
Cc: Jeff Whitehead
Subject: Deppoleto vs. Takeover Industries/NextGen Beverages et al; Deposition schedule this week
Attachments: 20241115115044425.pdf, 20241115115056342.pdf

Patrick,

As we discussed Thursday, Mike Holley and Tom Zarro will testify for Takeover Industries (“Takeover”) and NextGen Beverages (“NextGen”) at the depositions scheduled this week pursuant to the attached Deposition Subpoenas for each Defendant company. Mike Holley will testify at the deposition noticed for Tuesday, November 19 at 8am via Zoom. Holley intends to cover four of the five “Deposition Topics” set forth at page 4, Exhibit A, of the Takeover deposition subpoena as follows: Topic #1, Topic #2, Topic #3, and Topic #4. In addition, with regard to the six deposition topics listed in the NextGen deposition subpoena at page 4, Exhibit A, Holley will testify regarding deposition topic #4 and deposition topic #6. Accordingly, we would hope that at the November 19 deposition of Holley you can address the four deposition subpoena topics Holley will testify to under the Takeover deposition subpoena, as well as the two deposition subpoena topics Holley will testify to under the NextGen deposition subpoena. Therefore, it would not be necessary to conduct another deposition of Holley on Friday, November 22, as previously noticed for the NextGen representative to appear. Holley’s individual deposition has been completed previously.

In accordance with the foregoing, Tom Zarro will testify will testify at his deposition noticed for Thursday, November 21 at 8am, individually, as well as in his capacity as a representative of Takeover and NextGen as follows: Takeover- Zarro will testify regarding deposition topic #5; NextGen- Zarro will testify regarding deposition topic #1, deposition topic #2, deposition topic #3, and deposition topic #5.

Please let me know if you have any questions regarding the scope of the depositions scheduled for this week. As we also discussed, the continued deposition of Toby McBride will begin via Zoom at 8am Friday November 22 (all times listed in this email are Pacific Time). Thanks, Don

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O’Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

Don Bennion

From: Don Bennion
Sent: Friday, November 22, 2024 5:05 PM
To: patrick.harvey@huschblackwell.com
Subject: FW: NEXT GEN BEVERAGES, LLC new E & O Policy
Attachments: Dec Page Next Gen Beverages LLC Policy.pdf; ABAIS Policy.pdf; ABAIS Binder.pdf

Patrick,

As we discussed yesterday, and Tom Zarro testified in his deposition yesterday, Defendants are willing to produce additional documents responsive to Plaintiff's discovery requests. In this regard, attached are copies of the NextGen Beverages LLC's insurance policy documents and declaration page pursuant to your request. We are in the process of numbering these documents and preparing a Supplemental Production of Documents with additional documents in this case. Defendants will produce additional documents responsive to Plaintiff's discovery requests next week, if not sooner.

After Mike Holley's deposition today, I called you to discuss issues set forth in your letter regarding Plaintiff's outstanding discovery requests received Wednesday, November 20, 2024, and I left you a voicemail message. I'm available Monday or Tuesday afternoons next week to discuss these discovery issues further. Please let me know if you have any questions. Thanks, Don

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security, Powered by INKY](#)

Don Bennion

From: Don Bennion
Sent: Monday, December 9, 2024 10:58 PM
To: patrick.harvey@huschblackwell.com
Subject: Depoleto vs. Takeover Industries et al- Supplement to Discovery Responses
Attachments: Fifth Supplement Initial Disclosures.pdf

Patrick,

Attached is Defendants' Fifth Supplemental List of Witnesses and Documents. In addition, attached are the documents supplemented to Defendants' production of documents and in response to Plaintiff's First and Second Requests for Production of Documents. Thanks, Don

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

Don Bennion

From: Don Bennion
Sent: Friday, December 13, 2024 11:51 AM
To: 'Harvey, Patrick'
Subject: RE: Deppoleto vs. Takeover Industries et al- Supplemental documents

I'm not available before today's deposition. Let's do it Monday if possible. Thanks

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

From: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Sent: Friday, December 13, 2024 11:36 AM
To: Don Bennion <don@bennionlaw.com>
Subject: RE: Deppoleto vs. Takeover Industries et al- Supplemental documents

External (patrick.harvey@huschblackwell.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Don,

Thank you. Somewhat relatedly, could we hop on a call or the Zoom link a little before the deposition starts today to meet and confer regarding the discovery listed below?

Patrick

Takeover

First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21

Second Set of Requests for the Production of Documents - RFP No. 7, 11

Third Requests for Production; RFP No. 1, 2, 3, 4, 5

Holley

Holley – Third Requests for Production; RFP No. 1, 2, 3, 4

McBride

McBride – Third Requests for Production; RFP No. 1, 2, 3, 4

Pavlik

Pavlik – Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6

Zarro

Zarro - Response to subpoena – RFP No. 8, 14, 16

Zarro – Third Requests for Production; RFP No. 1, 2, 3, 4

Zarro Deposition Requests

- Directors and Officers insurance policies held by Takeover Industries Incorporated and/or NextGen Beverages, LLC.

- Documents referencing investments made by Tom Zarro in Labor Smart Inc.
- Documents detailing the pricing paid by Takeover Industries Incorporated and NextGen Beverages, LLC for energy shots.
- Communications with Mr. Tucker.
- Amounts paid by Takeover Industries Incorporated to NextGen Beverages, LLC.
- Documents detailing Mr. Deppoleto's relationship with the Board of Directors.
- Wells Fargo Bank Statements.

NextGen

First Set of Requests for the Production of Documents; RFP No. 2, 3, 5, 6, 8

Second Set of Requests for the Production of Documents; RFP No. 7

Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6,

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5321
Fax: 414.223.5000
patrick.harvey@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

From: Don Bennion <don@bennionlaw.com>
Sent: Friday, December 13, 2024 1:27 AM
To: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Subject: Deppoleto vs. Takeover Industries et al- Supplemental documents

[EXTERNAL EMAIL]

Patrick,

Attached are the following: 1- Defendants' Errata to Fifth Supplemental Production of Documents which simply identifies Joe Pavlik and Toby McBride as producing parties; and 2- Defendants' Sixth Supplemental Production of Documents and List of Witnesses which contains seven additional documents responsive to Plaintiff's First and Second sets of Requests for Production. Thanks, Don

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

Don Bennion

From: Don Bennion
Sent: Tuesday, December 17, 2024 12:00 PM
To: Harvey, Patrick
Subject: Re: Depoletto meet and conferTakeover First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21 Second Set of Requests for the Production of Documents - RFP No. 7, 11 Third Requests for Production; RFP No. 1, 2, 3

As we discussed Friday I had a court hearing set on a calendar stack at 9am. I asked you to call my cell phone which you called me on Friday. My case wasn't called until 10:20 so I didn't see your email until around 11.

I won't call you now due to your deposition today. I'm available tomorrow after noon pt or all day Thursday.
Thanks, Don
Sent from my iPhone

On Dec 17, 2024, at 10:15 AM, Harvey, Patrick <patrick.harvey@huschblackwell.com> wrote:

External (patrick.harvey@huschblackwell.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Don,

I tried calling you at 10:00 a.m. your time, as discussed. It went to voicemail. As I mentioned, I have a deposition here starting at 11:00 a.m. your time, and I will need to meet my client a bit ahead of time, so please call me back soon if you can.

Patrick

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5321
Fax: 414.223.5000
patrick.harvey@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

-----Original Appointment-----

From: Harvey, Patrick
Sent: Friday, December 13, 2024 3:46 PM
To: Don Bennion
Subject: Depoletto meet and conferTakeover First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21 Second Set of Requests for the Production of Documents - RFP No. 7, 11 Third Requests for Production; RFP No. 1, 2, 3, 4,

When: Tuesday, December 17, 2024 12:00 PM-12:30 PM (UTC-06:00) Central Time (US & Canada).

Where: Patrick to call Don

Takeover

First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21

Second Set of Requests for the Production of Documents - RFP No. 7, 11

Third Requests for Production; RFP No. 1, 2, 3, 4, 5

Holley

Holley – Third Requests for Production; RFP No. 1, 2, 3, 4

McBride

McBride – Third Requests for Production; RFP No. 1, 2, 3, 4

Pavlik

Pavlik – Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6

Zarro

Zarro - Response to subpoena – RFP No. 8, 14, 16

Zarro – Third Requests for Production; RFP No. 1, 2, 3, 4

Zarro Deposition Requests

1. Directors and Officers insurance policies held by Takeover Industries Incorporated and/or NextGen Beverages, LLC.
2. Documents referencing investments made by Tom Zarro in Labor Smart Inc.
3. Documents detailing the pricing paid by Takeover Industries Incorporated and NextGen Beverages, LLC for energy shots.
4. Communications with Mr. Tucker.
5. Amounts paid by Takeover Industries Incorporated to NextGen Beverages, LLC.
6. Documents detailing Mr. Deppoleto's relationship with the Board of Directors.
7. Wells Fargo Bank Statements.

NextGen

First Set of Requests for the Production of Documents; RFP No. 2, 3, 5, 6, 8

Second Set of Requests for the Production of Documents; RFP No. 7

Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6,

Don Bennion

From: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Sent: Friday, December 13, 2024 1:48 PM
To: Don Bennion
Cc: Villalpando, Meghan; Sewell, Peter
Subject: RE: Deppoleto vs. Takeover Industries et al- Supplemental documents

External (patrick.harvey@huschblackwell.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Don,

Following up on our call just now – this email will confirm that you agreed that our new deadline to file a motion to compel is now Tuesday, December 17. If I have misstated that in any way, please let us know.

I also just sent you a calendar invite for the Tuesday morning meet-and-confer that we just discussed.

Enjoy the holiday party, and have a good weekend.

Patrick

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5321
Fax: 414.223.5000
patrick.harvey@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

From: Don Bennion <don@bennionlaw.com>
Sent: Friday, December 13, 2024 1:51 PM
To: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Subject: RE: Deppoleto vs. Takeover Industries et al- Supplemental documents

[EXTERNAL EMAIL]

I'm not available before today's deposition. Let's do it Monday if possible. Thanks

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

From: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Sent: Friday, December 13, 2024 11:36 AM
To: Don Bennion <don@bennionlaw.com>
Subject: RE: Deppoleto vs. Takeover Industries et al- Supplemental documents

Don,

Thank you. Somewhat relatedly, could we hop on a call of the Zoom link a little before the deposition starts today to meet and confer regarding the discovery listed below?

Patrick

Takeover

First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21

Second Set of Requests for the Production of Documents - RFP No. 7, 11

Third Requests for Production; RFP No. 1, 2, 3, 4, 5

Holley

Holley – Third Requests for Production; RFP No. 1, 2, 3, 4

McBride

McBride – Third Requests for Production; RFP No. 1, 2, 3, 4

Pavlik

Pavlik – Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6

Zarro

Zarro - Response to subpoena – RFP No. 8, 14, 16

Zarro – Third Requests for Production; RFP No. 1, 2, 3, 4

Zarro Deposition Requests

- Directors and Officers insurance policies held by Takeover Industries Incorporated and/or NextGen Beverages, LLC.
- Documents referencing investments made by Tom Zarro in Labor Smart Inc.
- Documents detailing the pricing paid by Takeover Industries Incorporated and NextGen Beverages, LLC for energy shots.
- Communications with Mr. Tucker.
- Amounts paid by Takeover Industries Incorporated to NextGen Beverages, LLC.
- Documents detailing Mr. Deppoleto's relationship with the Board of Directors.
- Wells Fargo Bank Statements.

NextGen

First Set of Requests for the Production of Documents; RFP No. 2, 3, 5, 6, 8

Second Set of Requests for the Production of Documents; RFP No. 7

Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6,

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP

511 North Broadway

Suite 1100

Milwaukee, WI 53202

Direct: 414.978.5321

Fax: 414.223.5000

patrick.harvey@huschblackwell.com

huschblackwell.com

[View Bio](#) | [View VCard](#)

From: Don Bennion <don@bennionlaw.com>
Sent: Friday, December 13, 2024 1:27 AM
To: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Subject: Deppoleto vs. Takeover Industries et al- Supplemental documents

[EXTERNAL EMAIL]

Patrick,

Attached are the following: 1- Defendants' Errata to Fifth Supplemental Production of Documents which simply identifies Joe Pavlik and Toby McBride as producing parties; and 2- Defendants' Sixth Supplemental Production of Documents and List of Witnesses which contains seven additional documents responsive to Plaintiff's First and Second sets of Requests for Production. Thanks, Don

S. Don Bennion
Attorney & Counselor at Law
Law Office of S. Don Bennion
6980 O'Bannon Drive Suite 400
Las Vegas, Nevada 89117
702.333.0777
702.333.0577f
don@bennionlaw.com

Don Bennion

From: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Sent: Tuesday, December 17, 2024 4:32 PM
To: Don Bennion
Cc: Villalpando, Meghan; Sewell, Peter
Subject: RE: Deppoleto meet and conferTakeover First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21 Second Set of Requests for the Production of Documents - RFP No. 7, 11 Third Requests for Production; RFP No. 1, 2, 3

External (patrick.harvey@huschblackwell.com)

[Report This Email](#) [FAQ](#) [GoDaddy Advanced Email Security](#), Powered by INKY

Don,

Thanks for your note. For a few reasons, we are going to go ahead and just get the motion to compel on file this evening. However, we can still talk on Thursday, and if anything changes based on that discussion, we can amend our motion to compel.

Patrick

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5321
Fax: 414.223.5000
patrick.harvey@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

From: Don Bennion <don@bennionlaw.com>
Sent: Tuesday, December 17, 2024 2:00 PM
To: Harvey, Patrick <patrick.harvey@huschblackwell.com>
Subject: Re: Deppoleto meet and conferTakeover First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21 Second Set of Requests for the Production of Documents - RFP No. 7, 11 Third Requests for Production; RFP No. 1, 2, 3

[EXTERNAL EMAIL]

As we discussed Friday I had a court hearing set on a calendar stack at 9am. I asked you to call my cell phone which you called me on Friday. My case wasn't called until 10:20 so I didn't see your email until around 11.

I won't call you now due to your deposition today. I'm available tomorrow after noon pt or all day Thursday.
Thanks, Don
Sent from my iPhone

On Dec 17, 2024, at 10:15 AM, Harvey, Patrick <patrick.harvey@huschblackwell.com> wrote:

Don,

I tried calling you at 10:00 a.m. your time, as discussed. It went to voicemail. As I mentioned, I have a deposition here starting at 11:00 a.m. your time, and I will need to meet my client a bit ahead of time, so please call me back soon if you can.

Patrick

Patrick M. Harvey
Partner

HUSCH BLACKWELL LLP
511 North Broadway
Suite 1100
Milwaukee, WI 53202
Direct: 414.978.5321
Fax: 414.223.5000
patrick.harvey@huschblackwell.com
huschblackwell.com
[View Bio](#) | [View VCard](#)

-----Original Appointment-----

From: Harvey, Patrick
Sent: Friday, December 13, 2024 3:46 PM
To: Don Bennion
Subject: Deppoleto meet and conferTakeover First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21 Second Set of Requests for the Production of Documents - RFP No. 7, 11 Third Requests for Production; RFP No. 1, 2, 3, 4,
When: Tuesday, December 17, 2024 12:00 PM-12:30 PM (UTC-06:00) Central Time (US & Canada).
Where: Patrick to call Don

Takeover

First Set of Requests for the Production of Documents - RFP No. 2, 3 9, 10, 11, 12, 18, 19, 21

Second Set of Requests for the Production of Documents - RFP No. 7, 11

Third Requests for Production; RFP No. 1, 2, 3, 4, 5

Holley

Holley – Third Requests for Production; RFP No. 1, 2, 3, 4

McBride

McBride – Third Requests for Production; RFP No. 1, 2, 3, 4

Pavlik

Pavlik – Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6

Zarro

Zarro - Response to subpoena – RFP No. 8, 14, 16

Zarro – Third Requests for Production; RFP No. 1, 2, 3, 4

Zarro Deposition Requests

1. Directors and Officers insurance policies held by Takeover Industries Incorporated and/or NextGen Beverages, LLC.
2. Documents referencing investments made by Tom Zarro in Labor Smart Inc.
3. Documents detailing the pricing paid by Takeover Industries Incorporated and NextGen Beverages, LLC for energy shots.
4. Communications with Mr. Tucker.
5. Amounts paid by Takeover Industries Incorporated to NextGen Beverages, LLC.
6. Documents detailing Mr. Deppoleto's relationship with the Board of Directors.
7. Wells Fargo Bank Statements.

NextGen

First Set of Requests for the Production of Documents; RFP No. 2, 3, 5, 6, 8

Second Set of Requests for the Production of Documents; RFP No. 7

Third Requests for Production; RFP No. 1, 2, 3, 4, 5, 6,